IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 8813 of 1994

Between:

M/S Bhavani Comprehensive Intergrated Lift Irrigation Co-Operative Society, represented by its President Sri B.V.Jagannadha Rao,

Mundlapahad, Settipalam Post, Vemulappali Mandalam, Nalgonda Dist

..... PETITIONER

AND

1 The Government of Andhra Pradesh, represented by its

Secretary, Irrigation and C.A.D. (Projects Wing NSPI)

Department, Secretariat, Hyderabad.
2 The Chief Engineer, Nagarjuna Sagar Project
Government of Andhra Pradesh,
Vijayapuri North, Hill Colony, Nalgonda District 508 202

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records pertaining to the impugned proceedings passed by the 2nd respondent vide Letter No. CE/NSP/OT.5/AE.3/5221/77C dated. 23/01/1994 and declare the said proceedings as illegal, arbitrary, violative of Principles of Natural Justice besides violating of Art 14 and 19 (1) (g) of constitution of India and quash the impugned proceedings by issuing a Writ order or direction, particularly one in the nature of Writ of Certirorari and this Honourable Court may further direct the 2nd respondent to determine and pay the total compensation i.e., Rs.4,60,788/- to the petitioner as claimed by the petitioner by observing the principles of fairplay and on the material produced before him and in the light of the proceedings passed by A..P.S.I.D.,C and the respondents or alternatively this Honourable court may be pleased to refer the matter to any authority or to an arbitrator to determine the fair compensation payable to the petitioner society besides the compensation already

granted by this Honourable court in WP.No.8390 of 1989.

Counsel for the Petitioner: Mr. Y.RAMA RAO

Counsel for the Respondents : GP FOR IRRIGATION

& COMM AREA DEV.

The Court made the following Order:

The only contention advanced by the learned counsel for the petitioner in support of the writ petition is that the order of the Chief Engineer, N.S. Project, annexed to the letter No.CE/NSP/OT.5/AE.3/221/77C, dated 23-01-1994 of the second respondent, has not taken into consideration the value of the assets while paying compensation to the petitioner society, in that while according to the valuation report, the petitioner is entitled to receive an amount of Rs.4,60,788/-, while the respondents have paid them only Rs.1,66,800/-, which is illegal and arbitrary.

The learned Government Pleader for Irrigation appearing on behalf of the respondents on the other hand contended that at the time of establishment of the petitioner-society, the Government had invested an amount of Rs.2,75,530/- while the petitioner had invested only Rs.25,500/-. Though the said amounts were invested, by lapse of time the value of the assets increased, and at the time of valuation of the assets, the value of the assets of the petitioner-society had gone up to 4.468 lakhs and the petitioner-society has liabilities to the tune of Rs.2.800 lakhs. At the time of taking over the project, the liabilities are 0.44 lakhs. And after deducting the liabilities from the value of the assets, the petitioner was entitled to Rs.1.668 lakhs, and the said amount accordingly was paid to the society.

Admittedly, at the time of establishment of the society, the society had merely invested Rs.25,500/-, whereas the Government had invested an amount of Rs.2,75,530/-. Though by lapse of time, the value of the assets of the society had gone up and stood at Rs.4.468 lakhs, the report discloses that it had also liabilities to the tune of Rs.2.800 lakhs, and after debiting the liabilities to the value of the assets, an amount of Rs.1.668 lakhs remained, which amount, it is stated by the respondents was paid to the petitioner. Inasmuch as the report had taken the assets

and liabilities of the society in awarding compensation to the society, no fault can be found therewith, and the petitioner cannot be allowed to contend that the compensation is not paid as per the valuation report.

There is no merit in the writ petition, and the same is accordingly dismissed. No costs.

_____

17-08-2004

prv/ksr

..ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Government of Andhra Pradesh,

Irrigation and C.A.D. (Projects Wing NSPI)

Department, Secretariat, Hyderabad.

2 The Chief Engineer, Nagarjuna Sagar Project
Government of Andhra Pradesh,
Vijayapuri Noth, Hill Colony, Nalgonda District 508 202

3 2CCs to G.P. for Irrigation and Command Area Development, High

Court Buildings, Hyderabad (OUT).

4 2CD copies